

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

**ROBERT J. MUELLER, DEEPROOT FUNDS
LLC (a/k/a dprt Funds, LLC), AND POLICY
SERVICES INC.,**

Defendant,

and

**DEEPROOT TECH LLC, DEEPROOT PINBALL
LLC, DEEPROOT STUDIOS LLC, DEEPROOT
SPORTS & ENTERTAINMENT LLC,
DEEPROOT RE 12621 SILICON DR LLC, AND
ROBERT J. MUELLER, JEFFREY L.
MUELLER, AND BELINDA G. BREEN, AS CO-
TRUSTEES OF THE MB HALE OHANA
REVOCABLE TRUST,**

Relief Defendants.

Civil No. 5:21-cv-785-XR

**APPENDIX AND DECLARATION IN SUPPORT OF
PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S REPLY
IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT**

I, Kristen M. Warden, pursuant to 28 U.S.C. § 1746(2), do hereby declare under the penalty of perjury the following:

1. I am Trial Counsel to the U.S. Securities and Exchange Commission (the “SEC”) and I am appearing for the SEC in this case. As such, I am familiar with the facts and circumstances of this matter.
2. Prior to filing the Complaint in this matter, the SEC conducted an investigation and as part of that investigation gathered publicly available documents and subpoenaed documents, materials and testimony from relevant parties. After filing the Complaint, using the tools of civil discovery, the SEC gathered additional documents and other materials, and took deposition testimony. The defendants and third parties produced documents and other materials to the SEC in various formats, including electronically, in paper, and by emailed PDF, among others.
3. I and my colleagues at the SEC have been directly involved with the collection of documents and other materials in the litigation in this matter.
4. Except to Bates label certain documents and excerpt pages from voluminous documents, the SEC has not in any way altered the substance of the documents received.
5. Attached hereto as **Exhibit 14.1** are true and correct copies of excerpts from the March 9, 2023 deposition of Defendant Robert Mueller.
6. Attached hereto as **Exhibit 20.1** are true and correct copies of excerpts from the June 23-24, 2021 SEC investigative testimony of Defendant Robert Mueller.
7. Attached hereto as **Exhibit 52** are true and correct copies of excerpts from the March 21, 2023 deposition of Nathan Spradlin.
8. Attached hereto as **Exhibit 53** is a true and correct copy of Fact Right’s Due Diligence Report Regarding the Deeproot 575 Fund, LLC, dated October 15, 2019, produced in this litigation as SEC-DEEPROOT-E-0031095 to 0031121.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 2, 2023

Respectfully submitted,

/s/ Kristen M. Warden

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